

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

SCOTT BALDWIN, JR., ET AL.

vs.

CLIFFORN W. CAVETT

and

CAVETT, TURNER AND WYBLE LLP

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CASE NO. 2:10-CV-401-TJW-CE

**ORDER**

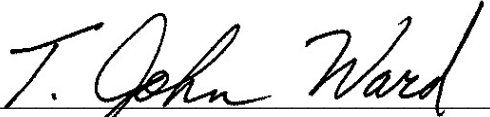
The above-titled and numbered civil action was referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge (Dkt. No. 50) has been presented for consideration. The report recommends that the court deny Defendants' motions to compel arbitration. The report further recommends that the court grant-in-part Defendants' motions to dismiss. It is recommended that the court order Plaintiffs to file a RICO case statement within fourteen (14) days, setting forth in more detail and specificity the facts on which Plaintiffs rely in their RICO complaint. The Magistrate Judge, however, recommends that the balance of Defendants' motions to dismiss be denied without prejudice to re-urging after Plaintiffs have filed their RICO case statement.

Defendants filed objections to the Magistrate Judge's report (Dkt. No. 53). The court, however, is of the opinion that the conclusions of the Magistrate Judge are correct. Therefore, the court **OVERRULES** Defendants' objections and adopts the report of the United States Magistrate Judge, in its entirety, as the conclusions of this court.

Accordingly, it is **ORDERED** that Defendants' motions to compel arbitration (Dkt. Nos. 7 and 28) are **DENIED**.

It is FURTHER ORDERED that Defendants' motions to dismiss (Dkt. Nos. 6 and 29) are GRANTED-in-PART and DENIED-in-PART. Within fourteen (14) days of the issuance of this order, Plaintiffs are ORDERED to file a RICO case statement in accordance with the Appendix attached to *Marriott Bros. v. Gage*, 911 F.2d 1105, 1107 (5th Cir.1990). The balance of Defendants' motions to dismiss, however, are DENIED without prejudice to re-urging within fourteen (14) days after Plaintiffs have filed their RICO case statement.

SIGNED this 29th day of September, 2011.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE